

Message

From: Powell, Duncan [Powell.Duncan@epa.gov]
Sent: 6/21/2017 12:55:10 PM
To: Mancusi-Ungaro, Philip [Mancusi-Ungaro.Philip@epa.gov]
CC: Hurlid, Kathy [Hurlid.Kathy@epa.gov]
Subject: RE: Florida's Assumption of CWA Section 404 Dredge and Fill Program

Thank you!

From: Mancusi-Ungaro, Philip
Sent: Wednesday, June 21, 2017 8:42 AM
To: Powell, Duncan <Powell.Duncan@epa.gov>
Cc: Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida's Assumption of CWA Section 404 Dredge and Fill Program

IN 1993, Florida had a very robust 404 equivalent program. So they were well positioned to assume the 404 program. They went through the entire process, including putting together the regs, AG statements etc, all the requirements spelled out in the 404 state program regulations. We had reviewed the package and were ready to start the formal review. The COE (John Hall) was actively involved and supported this effort. At the same time, FDEP was taking over the 402 program.

Sometime in 1993 or 94, the state legislature change the definition of waters of the state by changing the plant list such that many hydric pine flatwood systems were no longer JD. This was pushed by the developers. As a result, we told the state that their program was less inclusive as their definition of Waters of the state was not more limited. They would not change it so the program never was assumed.

This change also almost derailed the 402 assumption. To address that, we had the state AG issue a letter indicating that for 402 purposes they would use the federal definition. That allowed the assumption to go forward. We suggested they do that for 404, but the state did not want to.

I know we found the old files and shared them with HQ back when NJ was adopting 404.

As to current status, there is not much to tell. The state is interested, and are starting to discuss it but have not put a team together to work on this.

Phil

From: Powell, Duncan
Sent: Tuesday, June 13, 2017 12:44 PM
To: Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>
Subject: RE: Florida's Assumption of CWA Section 404 Dredge and Fill Program

If you could give me some talking points I could cover your conversation with Drew Bartlett, FDEP and the Florida's 1990s attempt to assume the program.

From: Mancusi-Ungaro, Philip
Sent: Tuesday, June 13, 2017 12:41 PM
To: Powell, Duncan <Powell.Duncan@epa.gov>
Subject: RE: Florida's Assumption of CWA Section 404 Dredge and Fill Program

Duncan, I will be in FERS retirement training all day.

Phil

-----Original Appointment-----

From: Powell, Duncan

Sent: Tuesday, June 13, 2017 12:38 PM

To: Woods, Diana; McGill, Thomas; Miedema, Ron; Harper, Cecelia; Martin, Molly; Mancusi-Ungaro, Philip; Hicks, Matt; Stopper, Nathan; Able, Tony

Subject: Florida's Assumption of CWA Section 404 Dredge and Fill Program

When: Wednesday, June 21, 2017 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).

Where: R4-15T08-Water-Branch-Conf-Rm-15H-ATL

Call In # Ex. 6 Personal Privacy (PP)

Code: Ex. 6 Personal Privacy (PP)

Agenda

Attendance	Duncan
Approval of Agenda	Duncan
Existing Florida Intensions	Tom & Phil
Historical Effort	Phil
Kathy Hurlld, HQ Conversation	Tom
Review 404(g) & (h)	Duncan
WSRS Potential Involvement	Tony

Duncan's Desired Take-Away: State of Florida has thought about assuming the CWA Section 404 dredge & fill permit program. They are far (years) from putting together a package to submit to EPA. Historical state assumptions are primarily assessed by the attorneys to determine if the State meets the eight qualifications in 404(h).